

REMARKS

Claims 3-11 are all the claims pending in the application.

Claims 3-11 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Kim (U.S. Publication No. 2004/0246589; U.S. Application No. 10/764,488; Claims 3-11 also stand provisionally rejected under obviousness-type double patenting over claims 17, 32, 33, and 34-37 of Kim.

Regarding the §102(e) rejection, Applicants note that the priority date of the present Application (March 6, 2003) is earlier than the U.S. filing date of Kim (January 27, 2004). Therefore, without commenting on the substantive merits of the Examiner's rejection, Applicants are hereby traversing the prior art rejection of claims 3-11 by perfecting their claim to foreign priority.

Applicants are perfecting their claim to priority by filing herewith a verified English translation of the priority document (KR 10-2003-0014003) with the U.S. Patent and Trademark Office, thereby removing Kim as a reference against the present Application.

Regarding the provisional obviousness-type double patenting rejection, without commenting on the substantive merits of the Examiner's provisional rejections, but instead to expedite prosecution of the present Application, Applicants are submitting herewith a terminal disclaimer to obviate the above-noted obviousness-type double patenting rejections.

As noted in *Quad Environmental Technologies*, the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither

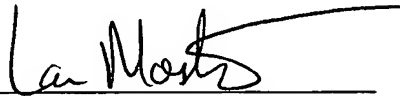
presumption nor estoppel on the merits of the rejection. It is improper to convert this simple expedient of "obviation" into an admission or acquiescence or estoppel on the merits.¹

Therefore, in view of the above, Applicants respectfully request that the rejections of the pending claims be reconsidered and withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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¹ *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ.2d 1392, 1394, 1395 (Fed. Cir. 1991).